



EXHIBIT #4
DATE 1/14/2009
HB 39 and 41

House Natural Resources Committee, Representatives:

Milburn, Mike (Chair)
Hendrick, Gordon (Vice Chair)
Pomnichowski, JP (Vice Chair)
Belcourt, Tony
Bennett, Gerald
Blewett, Anders
Cohenour, Jill
Dickenson, Sue
Hands, Betsy
Hoven, Brian
McGillvray, Tom
Menahan, Mike
Mendenhall, Scott
Miller, Mike
Reinhart, Michele
Van Dyk, Kendall
Vincent, Chas
Warburton, Wendy
cc: Joe Kolman, Staff

January 14, 2009

Re: HB 39 and HB 41

Dear Mr. Chairman and Members of the Committee:

Thank you for the opportunity to provide written testimony on HB 39 and HB 41. The Clark Fork Coalition works to protect and restore the Clark Fork River watershed. We are comprised of 1,500 members who live, work and play within this 22,000-square-mile basin in western Montana.

The Clark Fork Coalition appreciated participating in the Water Policy Interim Committee meetings and discussions over the past year. We applaud the WPIC's efforts—such as these bills before you today—and this Committee's complementary efforts to address the issues facing our Montana's treasured ground and surface water.

The Clark Fork Coalition supports HB 39, as we believe it will allow more avenues for the state and the counties to better enforce water use, and protect senior water right holders and the water resources in Montana. This bill will direct more state attention to enforcing water rights by enabling the district court to appoint water masters, and enabling the attorney general to assist county attorneys and the DNRC with enforcement. We believe that water enforcement is best addressed at the state level – with the attorney general and the

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DNRC – as many county staff, including attorneys, are often over-extended and ill-equipped to deal with the complex intricacies of

The Clark Fork Coalition supports HB 41 because it will ensure our water quality is protected along with water quantity for any mitigation and aquifer recharge plan associated with new groundwater withdrawals in closed basins. Many areas in the Clark Fork watershed are “closed basins,” and new water users must mitigate their withdrawal. This bill requires that any mitigation plans must also obtain water quality permits from the Dept. of Environmental Quality for any discharge of water before the DNRC issues a new water right.

Thank you for your time. Please feel free to contact us with any questions or concerns. We look forward to working with the Committee as we continue the conversation on how best to address the challenges and opportunities facing Montana’s water resources.

Sincerely,

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